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PTO/SB/21 (08-00)

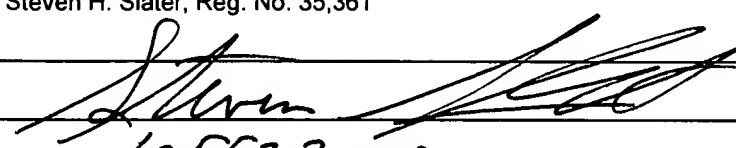
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/832,812	Technology Center 2100 FEB 19 2002 Received
	Filing Date	4/12/2001	
	First Named Inventor	Sarkozy, et al.	
	Group Art Unit	2185	
	Examiner Name	TBD	
Total Number of Pages in This Submission	82	Attorney Docket Number	STO-05RI

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) - Amended <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Litigation Notice of Litigation Dismissal Receipt Card
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Steven H. Slater, Reg. No. 35,361
Signature	
Date	18 FEB 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2002</h2> <p style="margin: 0; font-size: small;">Patent fees are subject to annual revision.</p>		Complete if Known	
<input type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27		Application Number	09/832,812
TOTAL AMOUNT OF PAYMENT		Filing Date	4/12/2001
(\$ 5,382.00)		First Named Inventor	Sarkozy, et al.
		Examiner Name	TBD
		Group Art Unit	2185
		Attorney Docket No.	STO-05RI

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																		
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account Deposit Account Number: 50-1065 Deposit Account Name: Slater & Matsil, L.L.P. The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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<p>** or number previously paid, if greater; For Reissues, see above</p>		<p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid</p> <p style="text-align: right;">SUBTOTAL (3) (\$)</p>																																																																																																																																																																																	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Steven H. Slater	Registration No. (Attorney/Agent)	35,361
Signature		Telephone	972-732-1001
		Date	18 FEB 02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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SLATER & MATSIL, L.L.P. 08-99
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

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NATIONAL ASSOCIATION
ALLEN, TX 75013-9619
32-2/1110

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2/18/2002

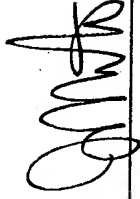
PAY TO THE
ORDER OF

Commissioner for Patents

\$ **5,382.00

Five Thousand Three Hundred Eighty-Two and 00/100***** DOLLARS

Commissioner for Patents
Washington DC 20231



MEMO

Amendment fee for 09/832,812 (STO-05RI)

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MP

**REISSUE LITIGATION
ART UNIT 2185**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sarkozy, et al.	Attorney Docket:	STO-05RI
Filed:	4/12/01	Art Unit:	2185
Serial No.:	09/832,812	Examiner:	TBD
Date Hand Delivered: February 19, 2002			
Title:	Apparatus and Method for Storing Data with Selectable Data Protection Using Mirroring and Selectable Parity Inhibition		

Assistant Commissioner of Patents
Washington, D.C. 20231

Received
FEB 19 2002
Technology Center 2100

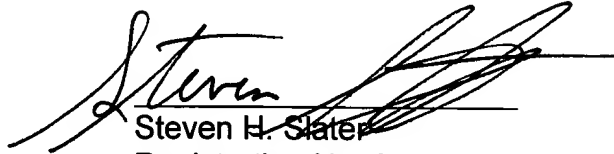
NOTICE OF LITIGATION DISMISSAL

Dear Sir:

Attached is an Order of Dismissal regarding United States Patent No. 5,893,919. This patent was the subject of a Complaint for Patent Infringement filed on March 22, 2001 by Plaintiff, Storage Computer Corporation, against Defendants, XIOtech Corporation, Seagate Technology, Inc. (now known as Veritas Software Technology Corporation), and Seagate Technology LLC (for itself and as successor-in-interest to Seagate Technology, Inc.) in the United States District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3-01CV0555-M. This litigation was settled and dismissed on December 27, 2001.

Please direct all correspondence to Applicants' attorney below.

Respectfully submitted,



Steven H. Slater
Registration No. 35,361

Slater & Matsil, L.L.P.
17950 Preston Road, Suite 1000
Dallas, Texas 75252
(972) 732-1001 (telephone)
(972) 732-9218 (facsimile)

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STORAGE COMPUTER CORPORATION,

Plaintiff,

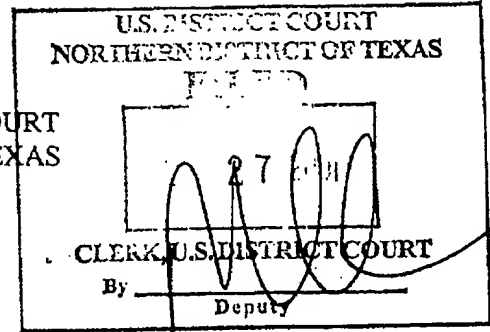
v.

XIOTECH CORPORATION,
SEAGATE TECHNOLOGY, INC.
and SEAGATE TECHNOLOGY LLC,

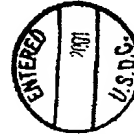
Defendants.

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Civil Action No. 3-01CV0555-M



ORDER OF DISMISSAL



Pursuant to the Stipulation of Dismissal by and between plaintiff Storage Computer Corporation and defendants XIOTech Corporation, Seagate Technology, Inc. (now known as Veritas Software Technology Corporation), and Seagate Technology LLC (for itself and as successor-in-interest to Seagate Technology, Inc.), IT IS HEREBY ORDERED THAT:

All claims, defenses and counterclaims in the above-captioned action are dismissed with prejudice;

Each party shall bear its own costs, expenses, and attorneys' fees;

All Orders previously entered in this case are vacated; and

This Court will retain jurisdiction to enforce the settlement reached between the parties.


SO ORDERED, this 27 day of December 2001

UNITED STATES DISTRICT JUDGE
BARBARA M. G. LYNN

Order of Dismissal

AGREED AS TO FORM AND SUBSTANCE:

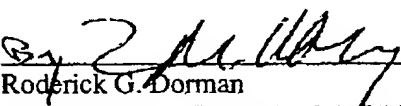
Counsel for Storage Computer Corporation



William O. Fifield
SIDLEY AUSTIN BROWN & WOOD
717 North Harwood, Suite 3400
Dallas, Texas 75201

Dated: December 20, 2001

Counsel for XIOtech Corporation, Seagate
Technology, Inc. (now known as Veritas Software
Technology Corporation) and Seagate Technology
LLC (for itself and as successor-in-interest to
Seagate Technology, Inc.)



Roderick G. Dorman
HENNIGAN, BENNETT & DORMAN
601 S. Figueroa Street, Suite 3300
Los Angeles, California 90017

Dated: 12/18/01

**REISSUE LITIGATION
ART UNIT 2185**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sarkozy, et al. Attorney Docket: STO-05RI

Filed: 4/12/01 Art Unit: 2185

Serial No.: 09/832,812 Examiner: TBD

Date Hand Delivered: February 19, 2002

Title: Apparatus and Method for Storing Data with Selectable Data
Protection Using Mirroring and Selectable Parity Inhibition

Received

Assistant Commissioner of Patents

FEB 19 2002

Washington, D.C. 20231

Technology Center 2100

NOTICE OF LITIGATION

Dear Sir:

A Notice of Litigation for this case was previously mailed on January 7, 2002. The Art Unit Number and the Examiner listed on the previous notice were incorrect, however, so Applicants are refiling the notice to ensure that it is placed into the proper file.

United States Patent No. 5,893,919 is the subject of a Complaint for Patent Infringement filed on October 15, 2001 by Plaintiff, Storage Computer Corporation, against Defendants, Veritas Software Corporation and Veritas Software Global Corporation, in the United States District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3:01-CV-2078-M. Attached is a copy of the Second Amended Complaint filed on November 30, 2002.

While there is concurrent litigation related to this Reissue Application, Applicants request that the action in this Reissue Application not be stayed during the litigation and that this Reissue Application proceed apace.

Please direct all correspondence to Applicants' attorney below.

Respectfully submitted,



Steven H. Slater
Registration No. 35,361

Slater & Matsil, L.L.P.
17950 Preston Road, Suite 1000
Dallas, Texas 75252
(972) 732-1001 (telephone)
(972) 732-9218 (facsimile)

FILED

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CLERK, U.S. DISTRICT COURT

By _____
Deputy

Civil Action No. 3:01-CV-2078-M

JURY TRIAL DEMANDED

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Veritas Corp. and Veritas Global are subject to personal jurisdiction in this judicial district because they have directed continuous and systematic activities at this judicial district in the State of Texas, and have, on information and belief, sold infringing products within this judicial district. Additionally, Veritas Corp. has filed a Certificate of Authority with the Texas Secretary of State rendering it subject to suit within this State and judicial district.

PARTIES

5. Plaintiff Storage is a corporation organized under the laws of the State of Delaware, with its principal place of business at 11 Riverside Street, Nashua, New Hampshire 03062.

6. On information and belief, Veritas Corp. is a corporation organized under the laws of the State of California, with its principal place of business at 350 Ellis Street, Mountain View, California 94047. Veritas Corp. may be served with process by serving its registered agent in Texas at the registered address, John Beck, 15851 N. Dallas Parkway, Suite 500, Dallas, Texas 75248. If said registered agent cannot be found at the registered address, Veritas Corp. may be served with process by serving the Texas Secretary of State with duplicate copies of summons and complaint, provided that a copy of the summons and complaint are forwarded to Veritas Corp.' principal office in the state in which it is incorporated, 350 Ellis Street, Mountain View, California 94047.

7. Veritas Global is a corporation organized under the laws of the State of Delaware. On information and belief, Veritas Global has its principal place of business at 350 Ellis Street, Mountain View, California 94047. Veritas Global may be served with process by serving its attorney, David Nelson, Esq., Latham & Watkins, Sears Tower, Suite 5800, Chicago, Illinois 60606.

BACKGROUND

8. Plaintiff Storage is the assignee and lawful owner of all right, title and interest in and to U.S. Patent No. 5,893,919 (the '919 patent) entitled "Apparatus and Method for Storing Data with Selectable Data Protection Using Mirroring and Selectable Parity Inhibition."

9. The '919 patent was duly and properly issued by the U.S. Patent and Trademark Office on April 13, 1999, and is now, and has at all time since its date of issue remained, valid and enforceable. A copy of the '919 patent is attached as Exhibit A.

COUNT I PATENT INFRINGEMENT

10. Plaintiff incorporates and alleges pars. 1-9 above as if fully set forth herein.

11. Defendants have directly infringed, induced infringement by others, and contributed to the infringement of the '919 patent by, *inter alia*, making, using, offering to sell, and/or selling computer software and other devices which embody the invention of the '919 patent (or its equivalent). It is believed that Defendants will continue to infringe and/or induce infringement unless enjoined by this Court. Defendants' infringement and other actions have caused substantial injury to Plaintiff. On information and belief, each of Defendants' acts were committed knowingly and intentionally and the Defendants' infringement has been willful.

DAMAGES

12. Plaintiff is entitled to damages in accordance with applicable law, including 35 U.S.C. § 284 *et seq.* The amount of money damages that Plaintiff has suffered due to Defendants' acts of infringement has not been calculated but is subject to proof at trial.

RELIEF

WHEREFORE, Storage Computer Corporation demands judgment against Defendants Veritas Corp. and Veritas Global, and respectfully prays for:

- (a) an accounting by Defendants sufficient to determine damages;
- (b) a finding that this case is exceptional pursuant to 35 U.S.C. § 285
- (c) an award of damages to Storage Computer Corporation from Defendants, jointly and severally, due to Defendants' infringement, contributory infringement and/or inducement of infringement of the '919 patent, and trebling of said award in view of the willful and deliberate nature of Defendants' conduct;
- (d) an award to Storage Computer Corporation of its costs and expenses of suit, including reasonable attorneys' fees for bringing and prosecuting this action;
- (e) an award to Storage Computer Corporation of prejudgment and postjudgment interest;
- (f) orders which preliminarily and permanently enjoin Defendants from infringing, contributing to infringement, and inducing infringement of the '919 patent, and
- (g) an award to Storage Computer Corporation of such other and further relief as the Court may deem just and proper.

A trial by jury is demanded.

Date: 11-30-01

Respectfully submitted,

Steve Malin

William O. Fifield
Texas Bar No. 24005203
Steven C. Malin
Texas Bar No. 12859750
Kathi A. Cover
Texas Bar No. 00793554
Thomas N. Tarnay
Texas Bar No. 24003032
Tung T. Nguyen
Texas Bar No. 24007745
SIDLEY AUSTIN BROWN & WOOD
717 North Harwood, Suite 3400
Dallas, Texas 75201
(214) 981-3300 (Telephone)
(214) 981-3400 (Facsimile)

ATTORNEYS FOR PLAINTIFF